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## APPENDIX IV.

(*Vide* Item IV (3) on page 22.)

**L.A. Bill No. 29 of 1963.**

(As passed by the Assembly.)

*A Bill to extend certain laws to the added territories in the State of Madras.*

BE it enacted by the Legislature of the State of Madras in the Fourteenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras (Added Territories) Extension of Laws Act, 1964.

(2) Section 12 shall be deemed to have come into force on the 3rd day of December 1960; and the rest of this Act shall come into force on such date as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) " added territories " means the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959);

(*b*) " existing law " means any law, Ordinance, regulation, order, by-law, or rule passed or made before the date of the commencement of this Act by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, regulation, order, by-law or rule.

3. *Extension of certain enactments.*—So much of the enactments specified in the First Schedule as is in force on the date of the commencement of this Act in the State of Madras except in the added territories and relates to matters with respect to which the State Legislature has power to make laws for the State is hereby extended to, and shall be in force in, the added territories.

4. *Amendment of certain enactments.*—The enactments specified in the Second Schedule in so far as they apply to, and are in force in, the added territories are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

5. *Construction of references to laws not in force in the added territories.*—(1) Any reference in any enactment specified in the First Schedule to a law which is not in force in the added territories shall, in relation to those territories, be construed as a reference to the corresponding law, if any, in force in those territories.

(2) Any reference in any existing law which continues to be in force in the added territories after the date of the commencement of this Act to any law repealed by section 7 shall, in relation

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to those territories, be construed as a reference to the enactment specified in the First Schedule corresponding to the law so repealed.

6. *Construction of references to authorities where new authorities have been constituted.*—Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the added territories shall, where a corresponding new authority has been constituted by or under any enactment now extended to the added territories, have effect as if it were a reference to that new authority.

7. *Repeal of corresponding laws.*—If, immediately before the date of the commencement of this Act, there is in force in the added territories any Act, Ordinance, regulation, order, by-law, rule or other law corresponding to an enactment specified in the First Schedule, whether such Act, Ordinance, regulation, order, by-law, rule or other law is in force by virtue of section 45 of the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), or by virtue of any other legislative power, such corresponding law shall, on the date of the commencement of this Act, stand repealed to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

8. *Savings.*—(1) The repeal by section 7 of any corresponding existing law shall not affect—

(*a*) the previous operation of any such law or anything done or duly suffered thereunder, or

(*b*) any right, privilege, obligation, or liability acquired, accrued or incurred under any such law, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected, under such corresponding existing law shall be deemed to have been done or taken under the corresponding provision of the enactment as now extended to, and

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in force in, the added territories and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said enactment.

9. *Powers of courts and other authorities for purposes of facilitating application of laws.*—For the purpose of facilitating the application in the added territories of any enactment specified in the First Schedule, any court or other authority may construe such enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

10. *Extension of Madras Act III of* 1869.—(1) The Madras Revenue Summonses Act, 1869 (Madras Act III of 1869) as amended by sub-section (2) is hereby extended to, and shall be in force in, the added territories; and sections 5 to 9 shall apply in relation to that Act as if it had been included in the First Schedule.

(2) The Act aforesaid shall be amended as follows, that is to say,—

(i) in the preamble, for the word " documents " the words " documents or other articles " shall be substituted;

(ii) for the word " document ", wherever it occurs in the said Act, the words " document or other articles " shall be substituted;

(iii) in section 1, for the words " all persons resident within the district ", the words " any person " shall be substituted;

(iv) in section 3, for the words " or with the head of the village in which he lives ", the words " or by affixing it on the outer door or other conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain " shall be substituted;

(v) after section 5, the following sections shall be added, namely :—

" 6. *Officers to have powers of a civil court in certain matters.*—The officer issuing the summons or a subordinate deputed by such officer under section 5, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908), for—

(*a*) summoning and enforcing the attendance of any person and examining him on oath; and

(*b*) requiring the production of any document or other article.

7. *Power to make rules.*—(1) The State Government may make rules to carry out all or any of the purposes of this Act.

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(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the form of summons to be issued under this Act;

(*b*) the scale of fees to be levied for the service of processes, when summonses are issued at the instance of parties in an inquiry;

(*c*) the scale of allowances payable to persons summoned to give evidence and their deposit by parties at whose instance the summonses are issued.

(3) All rules made under this Act shall be published in the *Fort St. George Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

11. *Extension of Madras Act XVI of* 1936.—(1) The Madras Famine Relief Fund Act, 1936 (Madras Act XVI of 1936) as amended by sub-section (2) is hereby extended to, and shall be in force in, the added territories; and sections 5 to 9 shall apply in relation to that Act as if it had been included in the First Schedule.

(2) The Act aforesaid shall be amended as follows, that is to say,—

(i) in the preamble, the paragraph beginning with the words "AND WHEREAS" and ending with the words "Famine Relief Fund" shall be omitted;

(ii) in section 3,—

(*a*) for the first sentence, the following sentence shall be substituted, namely :—

"The State Government shall establish in and for the State of Madras, a fund called "The Madras Famine Relief Fund";";

(*b*) clauses (i) and (ii) shall be omitted; and

(*c*) in clause (iii), the word 'other' shall be omitted;

(iii) section 4 shall be omitted.

12. *Extension of Madras Act XXVII of* 1949.—(1) The Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) (hereinafter in this section referred to as the Madras Act),

is hereby extended to, and shall be in force in, the added territories; and sections 5 to 9 shall apply in relation to that Act as if it had been included in the First Schedule.

(2) Anything done or any action, taken including any rule or order made, notification issued, decision, award or direction given, proceeding taken, liability or penalty incurred and punishment awarded under the provisions of the Andhra Preservation of Private Forests Act, 1954 (President's Act XII of 1954) (hereinafter in this section referred to as the Andhra Act),—

(*a*) as in force immediately before its expiry; or

(*b*) on or after the 3rd day of December 1960, and before the date of publication of this Act in the *Fort St. George Gazette*, on the footing that the Andhra Act was in force at the relevant time,

shall be deemed to have been done or taken under the corresponding provisions of the Madras Act :

Provided that nothing contained in this section shall render any person liable to any punishment whatsoever by reason of anything done or omitted to be done by him on or after the 3rd day of December 1960, and before the date of publication of this Act in the *Fort St. George Gazette*.

13. *Repeal of certain enactments.*—The enactments specified in the Third Schedule, section 2 of the Madras Estates Land Act, 1908 (Madras Act I of 1908) and section 9 of the Madras Estates Land (Amendment) Act, 1909 (Madras Act IV of 1909), in so far as they apply to, and are in force in, the added territories are hereby repealed.

14. *Declaration respecting certain enactments.*—The enactments specified in the Fourth Schedule are hereby formally declared to be no part of the laws in force in the added territories.

15. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act or of any enactment extended to the added territories by this Act, the State Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such order or both Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

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## THE FIRST SCHEDULE.

(*See* section 3.)

| *Year.* (1) | *Number.* (2) | *Short title.* (3) |
|---|---|---|
| | | MADRAS ACTS. |
| 1937 | X | The Madras Prohibition Act, 193[illegible] . |
| 1954 | XXIII | The Madras Installation of Oil Engines (Temporary Permission) Act, 1954. |
| 1955 | XVII | The Madras Hill Stations (Preservation of Trees) Act, 1955. |
| 1957 | XXI | The Madras Registration of Veterinary Practitioners Act, 1957. |
| 1959 | 18 | The Madras Khadi and Village Industries Board Act, 1959. |
| 1959 | 25 | The Madras Irrigation Works (Construction of Field Bothies) Act, 1959. |
| 1959 | 26 | The Madras Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1959. |

## THE SECOND SCHEDULE.

(*See* section 4.)

| *Year.* (1) | *Number.* (2) | *Short title.* (3) | *Amendments.* (4) |
|---|---|---|---|
| | | CENTRAL ACTS. | |
| 1878 | VI | The Indian Treasure-trove Act, 1878. | In clause (*b*) of sub-section (1) of section 4, for the words " the place in which and the circumstances under which it was found ", the words " the place in which it was found" shall be substituted. |
| 1922 | XXII | The Police (Incitement to Disaffection) Act, 1922. | In section 5, for the words " District Collector ", the words " District Magistrate " shall be substituted. |
| | | MADRAS ACTS. | |
| 1948 | II | The Madras Silkworm Diseases (Prevention and Eradication) Act, 1948. | In sub-section (1) of section 4, for the word ' thereof ', the word ' whereof ' shall be substituted. |

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## THE THIRD SCHEDULE.

(*See* section 13.)

| *Year.* (1) | *Number.* (2) | *Short title.* (3) |
|---|---|---|
| | | MADRAS ACT. |
| 1909 | VI | The Arni Jagir Act, 1909. |
| 1922 | VI | The Madras Stamp (Amendment) Act, 1922. |
| 1952 | XVII | The Indian Registration (Madras Amendment) Act, 1952. |
| | | ANDHRA ACT. |
| 1954 | XI | The Anthra Requisitioning of Buildings Act, 1954. |
| | | ANDHRA PRADESH ACTS. |
| 1957 | XIX | The Andhra Pradesh Commercial Crops (Assessment) Act, 1957. |
| 1960 | II | The Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960. |

## THE FOURTH SCHEDULE.

(*See* section 14.)

| *Year.* (1) | *Number.* (2) | *Short title.* (3) |
|---|---|---|
| | | ANDHRA ACT. |
| 1954 | II | The Andhra Payment of Salaries and Removal of Disqualifications Act, 1953. |
| | | ANDHRA PRADESH ACTS. |
| 1959 | XII | The Andhra Pradesh State Legislature (Vacation of Seat on Simultaneous Membership) Act, 1959. |
| 1959 | XXXIV | The Andhra Pradesh Societies Registration (Validation) Act, 1959. |

**I certify that this is a money bill.**

Fort St. George,
Madras-9.
***23rd January* 1964.**

S. CHELLAPANDIAN,
*Speaker, Madras Legislative Assembly.*

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS